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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,065	11/09/1999	BALAS N. KAUSIK	028410-0009	7488
7590	10/24/2003		EXAMINER	
SKADDEN ARPS SLATE MEAGHER AND FLOM LLP			ELISCA, PIERRE E	
525 UNIVERSITY AVENUE			ART UNIT	PAPER NUMBER
PALO ALTO, CA 94301			3621	

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<h2 style="margin: 0;">Office Action Summary</h2>	Application No. 09/437,065	Applicant(s) Balas N. Kausik
	Examiner Pierre E. Elisca	Art Unit 3621
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>THREE</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>10/08/2003</u>		
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-65</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-65</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

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DETAILED ACTION

1. This Office action is in response to Applicant's RCE Amendment, filed on 10/08/2003.
2. Claims 1-65 are pending.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. **Claims 1-65, are rejected under 35 U.S.C. 102 (e) as being anticipated by Slater (U.S. Pat. No. 6,098,053).**

As per claims 1, 2, 10-15, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 37, 38, 41, 42, 45, 46, 53, 54, 55, 56, 57, 58 and 59-65 discloses a system/method for performing an on-line ATM/POS transaction utilizing checking or savings account funds over a public access network. An electronic financial transaction instruction comprising card information and security information that are encrypted for secure transmission over the public access network. The card information identifies a checking or savings account number of a purchaser (which is seen to read as Applicant's claimed

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invention wherein it is stated that a method for authorizing an electronic purchase in a networked computer environment), the method comprising the steps of:

receiving from a merchant, a transaction authorization request including a digital certificate passed through said merchant from a user involved in said transaction (see., abstract);

said certificate including a financial account datum associated with said user, at least a portion of which is confidential from said merchant (see., col 4, lines 32-65);

said digital certificate conveying a binding between at least a portion of said financial account datum and a public key of said user (see., col 4, lines 32-65, it is inherent to realize that encryption also includes public and private keys);

verifying said binding using a cryptographic verification key associated with a trusted party performing said binding (see., abstract, col 4, lines 32-65, it is inherent to realize that encryption (or cryptographic) also includes public and private keys, and col 5, lines 40-67); and

using said financial account datum to authorize a transaction order digitally signed by said user with a private key corresponding to said public key (see., abstract, col 4, lines 32-65, col 5, lines 40-67, it is inherent to realize that encryption also includes public and private keys or symmetric key or asymmetric key). Slater further discloses wherein said financial account datum in claim 15 see., abstract, lines 18-22, col 1, lines 12-67, col 2, lines 47-67.

As per claims 3-6, 8, 9, 16-19, 21, 22, 32, 36, 40, 44, 47, 48, 49, 50, 52, Slater discloses the claimed method, where said digital certificate constitutes said binding (see., col 4, lines 32-65).

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As per claims 7, 20, 31, 35, 39, 43, 51, Slater discloses the claimed method, where said financial account datum includes a PIN (see., col 2, lines 1-18).

CONCLUSION

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents of Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3621 is:

(703) 305-7687



Pierre Eddy Elisca

Patent Examiner

October 21, 2003